

REMARKS

Prior to entry of this amendment, claims 1-19 are currently pending in the subject application. By the instant amendment, claim 11 is amended to more particularly recite the subject matter of the present invention. Claim 17, which was indicated as containing allowable subject matter, is rewritten in independent form. Further, claims 1-10 are canceled as being directed to a non-elected group. Applicants, of course, reserve the right to prosecute the subject matter of these non-elected claims in a divisional application. No new matter is added by the instant amendment as support for the instant amendments may be found in the specification as originally filed.

Applicants appreciate the Examiner's acknowledgement of applicants' claim for foreign priority and receipt of a certified copy of the priority document.

Applicants appreciate the Examiner's indication that claims 17 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-19 are presented to the Examiner for further prosecution on the merits.

A. Introduction

In the outstanding Office action, the Examiner rejected claims 11-16 and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,929,976 to Shibuya et al. ("the Shibuya et al. reference") and objected to claims 17 and 18 as being dependent upon a rejected base claim, but indicated that claims 17 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

B. Asserted Rejections Under 35 U.S.C. § 102(b)

In the outstanding Office action, the Examiner rejected claims 11-16 and 19 under 35 U.S.C. § 102(b) as being anticipated by the Shibuya et al. reference.

In the outstanding Office action, the Examiner asserted that:

FIG. 1 of Shibuya shows an apparatus including . . . a light source (emission element R1), an inspecting section (light receiving element R2) made up of a first detecting part with a sensing part and an outputting part, a second driving section (moving body (not shown), col. 8, lines 28-31), . . . and a first determining part and first calculating part (exposure unit drive device UO1).

Office action of Dec. 3, 2003, at p. 2.

The subject invention, as presently claimed, is patentably distinct from the disclosure of the cited prior art reference. Specifically, the Shibuya et al. reference fails to disclose or even suggest “an inspecting section for receiving light directly from the light source to inspect whether the light is precisely radiated from the light source onto the peripheral area of the wafer,” wherein the light source is the light source “for exposing a portion of the photoresist film formed on the wafer,” as presently recited in claim 11.

In the outstanding Office action, the Examiner compares the emission element R1 of the Shibuya et al. reference to the light source of the present invention and compares the light receiving element R2 of the Shibuya et al. reference to the inspecting section of the present invention. *See the Office action of Dec. 3, 2003 at p. 2.* In the Shibuya et al. reference, however, the “[e]mission element R1 and light receiving element R2 determine the edge part of wafer W” while an exposure light emitted from light source LH2 through exit part LO2 exposes a portion of the wafer. *The Shibuya et al. reference at col. 8, lines 25-27 and lines 13-22.* Thus, the “light receiving element R2 is provided for picking up the light emitted from emission element R1” and does not receive light from the light source LH2. *The Shibuya et al. reference at col. 8, lines 23-25.* In the present invention, the inspecting section receives light directly from the light source that exposes the wafer. Accordingly, the Shibuya et al. reference fails to disclose or even suggest the inspecting section of claim 11.

By way of further distinction, the subject invention as presently recited in claim 14 is additionally patentably distinct from the disclosure of the cited prior art reference.

Specifically, the Shibuya et al. reference fails to disclose or even suggest an inspecting section including a first detecting part, a first determining part, and a first calculating part, as recited in claim 14 of the present invention.

As described above, the Shibuya et al. reference discloses “a light receiving element R2 . . . for picking up the light emitted from emission element R1.” *The Shibuya et al. reference at col. 8, lines 23-25.* In operation, “the amount of light picked up by light receiving element R2 is fed back to exposure unit drive device UD1 which controls the position of exposure unit U1 such that the amount of light picked up by light receiving element R2 becomes constant.” *The Shibuya et al. reference at col. 8, lines 38-42.* Thus, it may be seen that the light receiving element R2, which the Examiner compares to the inspecting section of the present invention, does not include a first determining part and a first calculating part, as in claim 14 of the present invention.

More particularly, the inspecting section of the present invention, as recited in claim 14, includes a first detecting part, a first determining part, and a first calculating part. Accordingly, the inspecting section of the present invention is able to receive optical datum based on detected light radiated toward the outer area beyond the peripheral edge of the wafer W, compare the optical datum with a reference optical datum, and calculate a position of the light to be radiated and a position datum of the light source for precisely radiating the light to the position. *See paragraph [0040] of the subject application.* The light receiving element R2 of the Shibuya et al. reference, however, only outputs an amount of light received without performing any analysis on that data.

The Examiner compares the first determining part and first calculating part to the exposure unit drive device UO1. Applicants submit that while the exposure unit drive device UO1 may be compared to the second driving section that drives the light source, the exposure unit drive device UO1 may not be simultaneously compared to the first determining part and

first calculating part of the inspecting section of the present invention. Thus, it is not proper to conclude that the light receiving element R2 of the Shibuya et al. reference, which is compared to the inspecting section of the present invention, includes a first determining part and a first calculating part, as recited in claim 14 of the present invention.

In view of the above distinctions between the subject invention as presently claimed and the cited prior art reference, claim 11 is believed to be in condition for allowance, and a notice to such effect is respectfully requested. Further, claim 14 is additionally believed to be in condition for allowance, and a notice to such effect is respectfully requested.

In addition, because the remaining claims, viz. claims 12-16 and 19, depend, either directly or indirectly, from claim 11, claims 12-16 and 19 are believed to be similarly allowable as depending from an allowable base claim.

Accordingly, reconsideration and withdrawal of the rejections of claims 11-16 and 19 are respectfully requested.

C. Allowable Subject Matter

In the outstanding Office action, the Examiner objected to claims 17 and 18 for depending from a rejected base claim, but indicated that claims 17 and 18 would be allowable if rewritten in independent form, and to include all of the limitations of the base claim and any intervening claims.

By the instant amendment, claim 17 is rewritten in independent form. Accordingly, claim 17 is believed to be in condition for allowance. Further, since claim 18 depends from claim 17, claim 18 is believed to be similarly allowable as depending from an allowable base claim. Thus, as claims 17 and 18 are believed to be allowable, a notice to such effect is respectfully requested.

D. Conclusion

Since the cited prior art reference neither anticipates nor renders obvious the subject invention as presently claimed, applicants respectfully submit that claims 11-19 are now in condition for allowance and notice to that effect is respectfully requested.


Finally, if the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all pending claims is hereby requested.

Respectfully submitted,

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.